USDA Foreign Agricultural Service
GAIN Report
Global Agriculture Information Network
Template Version 2.09

Voluntary Report - public distribution

Date: 2/24/2005
GAIN Report Number: CA5007

Canada

Agricultural Situation

Nutrition Labeling Regulations

2005

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Report Highlights:
On December 12, 2002, amendments to Canada's Food and Drug Regulations (FDR) implemented mandatory nutrition labeling on most prepackaged foods. The new regulations outline the labeling requirements for a Nutrition Facts table, update labeling requirements for nutrition content claims and introduce diet-related health claims. Most manufacturers have until December 12, 2005 to comply with the new requirements. The regulations for the Nutrition Facts table are very similar to those found in the United States, with some small, but important, differences. As a result, food products imported from the U.S. must comply with the Canadian regulations. U.S. food exporters will have the same transition time in order to comply with the new Canadian regulations.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Ottawa [CA1]
[CA]

INTRODUCTION

Health Canada and the Canadian Food Inspection Agency (CFIA) are responsible for the safety and regulation of Canada's food supply. The two agencies work together to create and enforce new regulations and guidelines, including new regulations for the labeling of food products. The following paper highlights the new nutritional labeling regulations and is the first of two papers regarding labeling regulations on food products in Canada.

NUTRITION LABELING

Heightened awareness by consumers and the popularity of fad diets has increased the demand for proper nutritional labeling on products. On December 12, 2002, amendments to the *Food and Drug Regulations* (FDR) for the implemented mandatory nutrition labeling on most prepackaged foods and the new regulations were submitted for publishing. On January 1, 2003, the new regulations were officially published in the *Canada Gazette* Part II. The goal of the new nutrition labeling regulations is to provide a system for conveying information about the nutrient content of food in a standardized format, giving consumers the ability to compare food products and make informed decisions regarding the food they consume. The new nutrition labeling regulations do not address the labeling of allergens, nor the labeling of food derived from biotechnology or the labeling of various production-related claims. The new regulations only outline the requirements for a Nutrition Facts table, update the existing requirements pertaining to nutrient content claims, and implement requirements for diet-related health claims.

Nutrient Facts Table

The purpose of a Nutrition Facts table is to highlight the nutrient composition of a food product and provide consumers with up front information. The core requirements for a Nutrition Facts table are as follows:

1. Serving of stated size
2. Energy value (calorie content)
3. Amount of fat
4. Amount of saturated fatty acids
5. Amount of trans fatty acids
6. The sum of saturated fatty acids and trans fatty acids
7. Amount of cholesterol
8. Amount of sodium
9. Amount of carbohydrates
10. Amount of fiber
11. Amount of sugars
12. Amount of protein
13. Amount of Vitamin A, Vitamin C, Calcium, and Iron

Additional nutritional information may also be required or permitted. In general, the declaration of additional nutritional information is voluntary, but may be required when references to nutrients are made in a nutrient content claim or in a health claim.

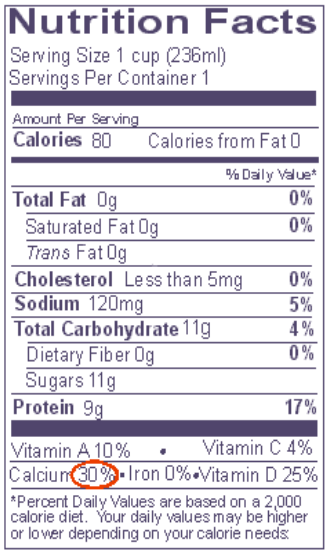
The information in the Nutrients Facts tables, nutrient content claims and diet-related health claims is required to be displayed in both English and French, with some exceptions. The mandatory bilingualism labeling also applies to products imported into Canada from other countries.

Comparison Between Canadian and U.S. Nutrition Facts Table

Nutrition Facts
Valeur nutritive
Per 125 mL (87 g) / par 125 mL (87 g)

Amount / Teneur	% Daily Value / % valeur quotidienne
Calories / Calories 80	
Fat / Lipides 0.5 g	**1** %
Saturated / saturés 0 g + Trans / trans 0 g	**0** %
Cholesterol / Cholestérol 0 mg	
Sodium / Sodium 0 mg	**0** %
Carbohydrate / Glucides 18 g	**6** %
Fibre / Fibres 2 g	**8** %
Sugars / Sucres 2 g	
Protein / Protéines 3 g	
Vitamin A / Vitamine A	2 %
Vitamin C / Vitamine C	10 %
Calcium / Calcium	0 %
Iron / Fer	2 %

Canadian Nutrition Facts Table



Nutrition Facts
Serving Size 1 cup (236ml)
Servings Per Container 1

Amount Per Serving
Calories 80 Calories from Fat 0

	% Daily Value*
Total Fat 0g	**0%**
Saturated Fat 0g	**0%**
Trans Fat 0g	
Cholesterol Less than 5mg	**0%**
Sodium 120mg	**5%**
Total Carbohydrate 11g	**4%**
Dietary Fiber 0g	**0%**
Sugars 11g	
Protein 9g	**17%**

Vitamin A 10% • Vitamin C 4%
Calcium 30% • Iron 0% • Vitamin D 25%

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

U.S. Nutrition Facts Table

For the most part, the Nutrition Facts tables in the United States and Canada are very similar, with only small differences to distinguish the two. Some elements of the Nutrition Facts table that are mandatory in the U.S., but optional in Canada are: servings per container, calories from fat, and the footnote on percent of Daily Value. There are other small differences between the two tables and these include: the Daily Values for vitamins and minerals, some of the rounding rules, including the rounding rules for total fat, saturated fat and *trans* fat, and the labeling of *trans* fat. Both Canadian and U.S. regulations require the declaration of *trans* fat to be included in the Nutrition Facts Table, but in Canada *trans* fat is combined with saturated fat for the calculation of the % of Daily Value whereas in the U.S. the Daily Value applies only to saturated fat.

Despite the very similar requirements between the U.S. and Canadian Nutrition Facts tables, manufacturers wishing to export their product to Canada must comply by the regulations set out in the FDR. Since the U.S. format is not quite the same as the Canadian format, it cannot be used on foods sold in Canada.

The close proximity to one another's markets and the large trade in food products makes increasing the compatibility of Canadian regulations with those in the U.S. a very important objective of Health Canada. However, the extent to which harmonization can occur is effected by emerging science, health concerns, differences in diets, Canadian bilingual requirements, and some differences between the units of measurements used in both countries.

Nutrient Content Claims

Nutrient content claims are considered statements that describe, directly or indirectly, the level of a nutrient in a food or a group of foods. Nutrient content claims are voluntary within the new nutrition labeling regulations, but if used, there is a restricted list of claims that can be made. The new regulations set forth for nutrient content claims are:

- 47 permitted nutrient content claims.
- Conditions for food, for label and advertisements for prescribed claims.

- Prescribed synonyms for each claim.
- Prohibition of non-permitted, implied or express representations about energy value or nutrient content of foods.

Some examples of nutrient content claims that are permitted include: vitamin and mineral nutrient content claims, quantitative statements for nutrients, and claims with nutrition implications such as biological role claims and diet-related health claims.

Diet-Related Health Claims

Regulations governing diet-related health claims on food products were introduced for the first time in Canada with the 2002 amendments to the FDR. Diet-related health claims are considered statements that describe the characteristics of diet that may reduce the risk of developing a diet-related disease or condition and the properties of a food that make it a suitable part of the diet. As with nutrient content claims, diet-related health claims are voluntary, but if they are used, there is a restricted list of claims. The new regulations permit five diet-related health claims that deal with the following relationships:

- A diet low in sodium and high in potassium, and the reduction of risk of hypertension.
- A diet adequate in calcium and vitamin D, and the reduction of risk of osteoporosis.
- A diet low in saturated fat and trans fat, and the reduction of risk of heart disease.
- A diet rich in vegetables and fruits, and the reduction of risk of some types of cancer.
- Minimal fermentable carbohydrates in gum, hard candy or breath-freshening products, and the reduction of risk of dental caries.

Additional regulations include:

- Rigorous conditions for a food to qualify to make the claim.
- Claims must not be misleading or deceptive.
- Claims should be based on recognized health and scientific evidence that establishes a relationship between certain elements of health diets and the reduction of risk of certain diseases.

Transition Period

Manufacturers have until December 12, 2005 to comply with the new regulations, with some exceptions. Small manufacturers, whose gross revenues from food sales in Canada were less than $1 million (CDN) in the 12-month period prior to December 12, 2002, have until December 12, 2007 to comply. There are situations where immediate compliance with the new regulations is required. Imported products must comply with the new regulations and have the same transition time period, after which they are subject to the same level of enforcement action as domestic products. Foreign manufacturers also qualify for the longer transition period if the manufacturer has less than $1 million (CDN) in revenues from sales of food in Canada for the 12 months prior to December 12, 2002.

Enforcement

It is the responsibility of industry to comply with the new regulations. CFIA is committed to facilitating implementation. CFIA has developed Uniform Enforcement Guidelines (UEG), which are based on principles laid out in CFIA's Enforcement and Compliance Policy. The purpose of UEGs is to provide guidance to the CFIA inspectors and manufacturers during the transition period. The UEGs provide the necessary guidelines for the CFIA inspectors to ensure consistent application of the new regulations, especially in instances of non-compliance related to nutrition labeling.

During the transition period CFIA has set out guidelines to help companies adapt to the new regulations and these guidelines include:

- Manufacturers cannot combine the two systems; they must either follow the old regulations or the new regulations.
- The new regulations may be triggered if certain claims or statements are made.
- Transition UEGs for products labeled as to the new regulations.
- Transition UEGs based on educational approach with lengthened correction periods, depending on the type of violation.
- UEG's should be followed as a basis for a decision on the appropriate action to apply to achieve compliance.

Following the transition period, manufacturers must in be in full compliance with the new regulations. Violation of the regulations will be evaluated and categorized based on the determined severity of the violation. After the transition period, more stringent UEGs will be applied, including a shorter correction period, less emphasis on education, and more emphasis on a manufacturer's responsibility for compliance.

FAIR LABELING PRACTICES PROGRAM

The issue of labeling food products is constantly evolving, as customers demand to know more about the products they consume. As a result of increasing demand, the CFIA has developed and implemented the Fair Labeling Practices Program (FLPP). Through the FLPP the CFIA administers and enforces the non-health and safety food components of the *Food and Drugs Act* (FDA) and the *Consumer Packaging and Labeling Act* (CPLA). Some of the responsibilities that fall under the FLPP include: amendments to the fraud and labeling provisions of the *Food and Drug Regulations* (FDR) and the food provisions of the *Consumer Packaging and Labeling Regulations* (CPLR), coordinating CFIA input to Health Canada regulatory amendments, international food composition and labeling standards, compliance with the composition, economic fraud, labeling and net quantity provisions of the FDR and the CPLR at retail and in non-registered domestic plants and importers, investigating consumer and industry complaints, developing programs designed to encourage compliance with the provisions of the respective Acts, and developing overall consumer protection policies for the CFIA.

2003 Guide to Food Labeling and Advertising

The *2003 Guide to Food Labeling and Advertising* falls under the FLPP and is the newest version of the *Guide for Food Manufacturers and Advertising*. The purpose of the *Guide* is to provide information on food labeling and advertising requirements as well as policies that apply to statements and claims made for foods, including alcoholic beverages. The *Guide* is a tool used to assist industry in compliance with legislation and consumer protection. The *Guide* provides the requirements for labeling and advertising for food products produced under various conditions and with specific requirements. Food claims, which adhere to the guidelines set out in the *Guide*, are considered to comply with the provisions set out in the FDA and the FDR, the CPLA and CPLR, and other relevant legislation. The CFIA is responsible for ensuring compliance by the food industry to the regulations laid out in the *Guide*.

CONCLUSION

Health Canada and the CFIA recognized the need to address consumer demand for increased information on food products that are consumed by the Canadian public. Increased health awareness and various diet trends helped push the need for proper labeling of food products to keep the consumer properly informed. In order to address the needs of the public, Health Canada and CFIA amended the FDR to include new regulations for nutrition labeling. The new nutrition labeling guidelines came into effect in December of 2002 and require full compliance for all companies by December 12, 2007. As the new labeling regulations apply to all those who produce prepackaged goods in Canada and to those supply the Canadian market, there is the need to clearly understand the rules that apply. For more detailed information please go to www.inspection.gc.ca.

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